



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 19

HOWISON, THOMA & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS TX 75374-1715

COPY MAILED

MAR 27 2003

In re Application of
Jeffrey Lovan Philyaw and David Kent
Mathews
Application No. 09/382,424
Filed: August 24, 1999
Attorney Docket No. PHYLY-24.733
Title: METHOD AND APPARATUS FOR
TRACKING USER PROFILE AND HABITS
ON A GLOBAL NETWORK

OFFICE OF PETITIONS

**DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)**

This is a decision on the petition filed on March 17, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed March 12, 2002, which set a shortened statutory period for reply of three (3) months. On September 16, 2002, a three-month extension of time was received, along with an amendment². On September 27, 2002, an advisory action was mailed, indicating that the amendment failed the place the application in condition for allowance. No further extensions of time were received. Accordingly, the above-identified application became abandoned on September 13, 2002.

With the instant petition, petitioner has filed the petition fee, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, as well as the associated fee, and has made the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The amendment, previously filed on September 16, 2002, shall serve as the required submission.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² Both papers contained certificates of mailing dated September 11, 2002.

As such, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for consideration of the submission under 37 C.F.R. §1.114, the previously filed amendment.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.

A handwritten signature in cursive script, appearing to read "Paul Shanowski".

Paul Shanowski
Attorney
Office of Petitions
United States Patent and Trademark Office